UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/81
27 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 12 (a)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

QUESTION OF HUMAN RIGHTS IN CYPRUS

Letter dated 25 February 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the forty-seventh session of the Commission on Human Rights

I have the honour to enclose herewith an information note on the human rights violations inflicted upon the people of the Turkish Republic of Northern Cyprus by the Greek Cypriots.

I should be grateful if my letter and its enclosure were circulated as a document of the Commission on Human Rights under agenda item 12 (a).

(Signed) Cem DUNA
Ambassador

Violations of human rights of the Turkish Cypriots in the economic, social and cultural fields

1. In looking at and examining the question of human rights in Cyprus one has to look at the Constitutional set-up when the Republic was established by the two national communities (Turkish Cypriots and Greek Cypriots) in 1960.

2. Under this Constitution, human rights were properly provided for and adequately protected. In addition to these individual rights, the Constitution provided for the political equality of the two co-founder communities and safeguarded their rights as distinct corporate political entities. The foundation of the State and the legitimacy of its bi-communal government rested on this concept of power-sharing between the two separate political entities, whose right of separate self-determination was recognized.

3. As acknowledged by Mr. Glafkos Klerides, the veteran politician and long-time President of the Greek Cypriot House of Representatives, in his most recent book, Cyprus: My deposition (Vol. III, pp. 236-237), it is this Constitutional set-up and the continuity of the partnership status of the two communities which was disrupted in 1963.

4. Thus, the Greek Cypriot partner, by taking up arms against the Turkish Cypriot partner, destroyed the whole basis of the existence of the Republic and sought, by force of arms, to reduce the political status of the co-founding partner, The Turkish Cypriot community, to that of a minority within a Greek Cyprus. Again, quoting from Mr. Klerides' book, the Greek Cypriot policy of giving the Turkish Cypriot partner the status of a minority did not succeed "because the Turkish side .... remained unretreating on the issue of accepting a minority status" (p. 237). Further on, (p. 105), Mr. Klerides underlines the fact that the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot State with a protected Turkish minority; he continues: "the Turkish Cypriot preoccupation was to defeat any such effort and to maintain the partnership concept ... The conflict, therefore, was a conflict of principle and for that principle both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise".

5. The second part of human rights in Cyprus, covering the period from December 1963 to August 1974, has to be examined in the light of these facts, where the Greek Cypriot community is striving to force its Turkish Cypriot partner to accept a minority status in lieu of its co-founder partnership status of sharing power on the basis of equality.

6. During this period all vested rights of the Turkish Cypriot partner were denied and defied, but the Turkish Cypriots refused to abandon their political rights in the body politic of Cyprus.

7. The result of this conflict was the separation of the partners from 1963. Since then, there has been no joint administration on the island because of the continued refusal of the Greek Cypriot leadership to share power with the Turkish Cypriots as equal partners.

8. Those years witnessed unprecedented cruelty and violence, leaving hundreds of Turkish Cypriots killed, and rendering one fourth of the population homeless refugees, with hundreds missing to this day. Simultaneously with these attacks, Turkish Cypriots, the co-founding partners of the bi-national Republic of 1960, were expelled in 1963 from all organs of the State by force of arms and thereafter were kept out of the government machinery. The continuous violations of the human rights to life, corporal integrity, liberty and property of the Turkish Cypriots between those years have been the main factors leading to the current political situation on the island.

9. The following notorious statements, among a great many, delivered by Archbishop Makarios go a long way in demonstrating the aim of the Greek Cypriot side and reflect abundantly how his side views the human rights of Turkish Cypriots in Cyprus. Below are two extracts from his statements:

> "Until this small Turkish community, forming part of the Turkish race which has been the terrible enemy of Helenism, is expelled, the duty of the heroes of EOKA can never be considered as terminated" (4 September 1962, speaking at his home village of Panayia).
>
> "The Union of Cyprus with Greece required the extermination of the Turkish Cypriot community" (interview with Karin Kaemmereit published in the German weekly, Bunte Illustrierte, 1972).

10. The former British Prime Minister Sir Alec Douglas-Home, in his book The Way the Wind Blows (p. 242), commented on the human rights treatment of the Turkish Cypriots in Cyprus as follows:

> "I was early convinced of the view that if Archbishop Makarios could not bring himself to treat the Turkish Cypriots as human beings, he was inviting the invasion and partition of the island".

11. The annals of the United Nations, in particular the periodic reports of the successive United Nations Secretaries-General to the Security Council, shed light on these policies of political and economic embargo on the Turkish Cypriot people as a means to prepare the ground for the annexation of Cyprus to Greece.

12. Below are some extracts from the reports of United Nations Secretaries-General to the Security Council after 1963.

Denial of the freedom to live a decent life:

"... many of the 600 refugees who had come to Kokkina from neighbouring localities were living in caves under subnormal conditions which might present a health hazard in winter" (S/5950 Add. of September 1964).

Economic restrictions:

"... the official list of restricted goods (to the Turkish Cypriot people) still comprises 31 items. Most of these items have extensive civilian use ... In addition, other items not in the list are often subjected to seizure at Cyprus Police (Greek) check-points" (S/7350 10 June 1966).

Veritable siege:

"... the economic restrictions being imposed against the Turkish communities in Cyprus, which in some instances have been so severe as to amount to a veritable siege ..." (S/5950).

Restriction of foodstuffs:

"... on 3 September a supply of fresh meat and cheese in authorized quantities was prevented by the Cypriot forces (Greek) from entering the Turkish Cypriot sector of Nicosia, in violation of the understanding ..." (S/5950 of 10 September 1964).

Restriction on freedom of movement:

"... the fear and mistrust that followed the disappearance of the 32 Turkish Cypriot hostages ... brought all Turkish Cypriot road movement to a halt. Since then, the only major movement undertaken by the Turkish Cypriot community has been under United Nations escort" (S/5764 of 15 June 1964).

Denial of postal services:

"... the Government (The Greek Cypriot Administration) has since 25 April 1964, sent no international or domestic correspondence or parcels, except for one category, across the Turkish Cypriot sector of Nicosia" (S/5950 of September 1964).

13. All these cruelties, violence and severe violations of human rights, which intensified as of 1963, forced the Turkish Cypriot people to live in enclaves in safer places and to set up their own administration in such areas in exercise of their inherent right to self-determination.

14. After the Turkish intervention in 1974, and following the population exchange agreement between the two communities in 1975, the Turkish Cypriots and Greek Cypriots gathered in the northern and southern parts of the island, respectively. The Turkish Cypriots, as an exercise of their right to self-determination, then established their own administration in the North which eventually, in 1983, became the Turkish Republic of Northern Cyprus (TRNC). The TRNC is a country of laws, with its democratic, pluralistic and open society. Its citizens enjoy all human rights and freedoms, comparable to those enjoyed by the citizens of the Western World.

15. Although in 1974 the Turkish Cypriot people were liberated from direct and harsh human rights violations, perpetrated against them by the Greek Cypriot side, the Greek Cypriots, by using their usurped and illegitimate title of "Government of Cyprus", have been attempting, in a habitual manner, to continue to prevent the full enjoyment by the Turkish Cypriot side of their rights and liberties vis-à-vis the outside world. That is to say, having been deprived of the opportunity of oppressing and discriminating against the Turkish Cypriots within Cyprus, the Greek Cypriots are now endeavouring to isolate the Turkish Cypriot people from the rest of the world. Today, the Greek Cypriot side is employing a web of measures to hinder trade and communication of Northern Cyprus with the outside world, and to isolate the Turkish Cypriots in the political, economic, commercial, tourist and sports areas.

16. As part of this inhuman isolation, the Turkish Cypriots are prevented from communicating directly with the outside world. The Turkish Cypriots, as a result of the Greek Cypriots' manoeuvres, must have a "MERSIN-10, TURKEY" code on their incoming letters. This is a measure undertaken by the Turkish Cypriots to circumvent the hardship imposed by the Greek Cypriots.

17. Direct flights between Northern Cyprus and foreign countries are also prevented. The Greek Cypriot Administration of Southern Cyprus is, in this regard, constantly pressuring international organizations such as ICAO, IATA, and the civil authorities of many countries to prevent direct flights to Northern Cyprus. Furthermore, the Turkish Cypriots cannot travel anywhere freely because their passports are not accepted as identity cards or travel documents.

18. The Turkish Cypriots are denied the right to be represented in international forums on a par with the Greek Cypriots. In international bodies such as the United Nations General Assembly, the Council of Europe and

its associated organs, this very Commission of Human Rights and its sub-committees, the Greek Cypriot Representatives conduct a ruthless campaign of deceit to make certain that only their side is heard as the sole representative of Cyprus. Hence, one-sided resolutions and decisions are adopted in the absence of the Turkish Cypriots in such forums.

19. Trade and tourism between Northern Cyprus and other countries are severely obstructed by the Greek Cypriot campaign of deceit and their declaration of our sea and airports as illegal. The Greek Cypriots go to the extent of blacklisting and then imprisoning foreign sea captains who visit ports in the Turkish Republic of Northern Cyprus if they happen to call later at southern ports.

20. The arrest in December 1990 by the Greek Cypriot police of a Danish sea captain, Mr. Bromken Ingeman, who had previously vistited the Turkish Cypriot port of Famagusta, constitutes a part of the economic restrictions imposed on the Turkish Cypriot people and is a glaring example of the Greek Cypriots' disregard for the human rights of both the Turkish Cypriot people and foreign nationals.

21. Foreign visitors whose passports happen to bear the entry stamps of the Turkish Republic of Northern Cyprus, get into trouble if they visit Southern Cyprus.

22. As part of the Greek Cypriot restrictions imposed on the economic life of the North, in February 1989, the Greek Cypriots threatened with violence the London Regional Transport Authority to prevent, at the underground train stations, the display of posters that advertise tourism and holidays in the TRNC. Consequently, the posters were removed by the said authority. There are also other incidents of Greek Cypriots threatening some magazines and other media that advertise tourism in Northern Cyprus.

23. In the only remaining mixed village in Cyprus, Pyla, which is in the Buffer Zone, the Greek Cypriot authorities prevent their own citizens and tourists who visit the village from buying anything from the Turkish Cypriot inhabitants. The Turkish Cypriot people of Pyla have been under an economic siege for the past two years. The Greek Cypriot police has prevented freedom of movement by setting up road-blocks, and thus effectively intercepting and arresting anyone found in possession of goods purchased from the Turkish Cypriots. About a month ago, for instance, a Greek Cypriot was arrested for buying snails from a Turkish Cypriot. These incidents can be multiplied manifold. The Greek Cypriot daily, Fileleftheros, of 27 November 1990,

reported that a total of 316 events, detentions and interceptions took place in 1989 alone. It is paradoxical that while, on the one hand, the Greek Cypriots try to project the only mixed village of Pyla as an example of the "harmonious coexistence" of the Turkish Cypriot and Greek Cypriot peoples, they, on the other hand, display, in this village, some of the worst examples of their economic restrictions on the Turkish Cypriot people.

24. The Turkish Cypriots are prevented from participating in sports and cultural activities all around the world. In this context, their membership in international social and economic organizations is prevented.

25. Again, the Turkish Cypriot people receive only a fraction of the international aid given to Cyprus; the Greek Cypriot Administration of Southern Cyprus usurps almost all of this aid.

26. What makes this picture more appalling is the impossibility for the Turkish Cypriot people to seek justice before international forums, such as European human rights organs. Although paragraph 2 of Article 2 of the Universal Declaration of Human Rights states that "There shall be no distinction made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any limitation of sovereignty", the Turkish people of Cyprus are still being deprived of the exercise of certain rights.

27. In view of the foregoing, the Turkish Cypriot people of Northern Cyprus remain outside the effective protection of human rights instruments because of the unjustly unrecognized status of their Republic, and are left with the only option of asking for the help of motherland Turkey for safeguarding their human rights and security against the instigation by their southern neighbours of the international community. In the TRNC itself, human rights are well provided for as set out in the United States State Department Report on "Human Rights Situation in Cyprus" of 1989 where it is stated that the internal political system in Northern Cyprus is democratic and based on free elections, and basic human rights to its population are guaranteed in both theory and practice.

UNITED
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Council

Distr.
GENERAL

E/CN.4/1991/82
27 February 1991

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Letter dated 27 February 1991 from the delegation of The Gambia to the Commission on Human Rights addressed to the Chairman of the Commission

The Gambian delegation draws your attention to the Report of the Commonwealth Governmental Working Group of Experts on Human Rights.

The Heads of Government of the 50 Commonwealth States, noting that Commonwealth States have many shared values and traditions which would lead to co-operation in the area of human rights, requested the Secretary-General of the Commonwealth to convene a governmental working group of experts on human rights. The Working Group was charged with the responsibility of reviewing Commonwealth co-operation in the area of human rights to date and of recommending possible avenues for enhanced co-operation and action in the future, in such areas as education, training and technical assistance upon request of member States.

We would like to distribute the Report of that Working Group under item 11 of the agenda.

(Signed) Jainaba Johm
Delegate of The Gambia

Report of the

Commonwealth Governmental Working Group of Experts on Human Rights

Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX

July 1990

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ANNEX I Memorandum by the Government of Canada - **Strengthening Commonwealth Co-operation in the Area of Human Rights**

ANNEX II Extract from the Kuala Lumpur Communique, October 1989 - **Commonwealth Co-operation in Human Rights**

Marlborough House
Pall Mall
LONDON SW1Y 5HX

1 July 1990

Dear Secretary-General,

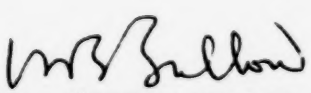
GOVERNMENTAL WORKING GROUP OF EXPERTS ON HUMAN RIGHTS

In accordance with the mandate from the Communique of the Kuala Lumpur Heads of Government Meeting, in 1989, you convened a governmental working group of experts on human rights to review Commonwealth co-operation in the area of human rights and to recommend possible avenues for further co-operation and action. The Working Group consisted of the experts in the attached list.

The Working Group met on the 3-4 April 1990 and was able to complete its task.

I now have the honour, as Chairman of the Working Group, to submit to you the result of our work which is contained in the attached Report. The Group was able to make a number of recommendations with regard to future action by the Commonwealth in the area of human rights. I would hope that these recommendations could be put into effect as soon as possible.

On behalf of my colleagues and myself, I would like to express our great satisfaction in being able to serve the Commonwealth on an issue of fundamental relevance to our community. We would also wish to convey our gratitude to you Mr. Secretary-General, to the Head of the Human Rights Unit, and to the Secretariat for the co-operation and assistance which enabled us to discharge our mandate without any difficulty.



The Hon. Hassan Jallow
Attorney-General and Minister of Justice
The Gambia

Members of the Working Group on Human Rights

Bangladesh

Mr. A.K.H. Morshed
Chairman
Bangladesh Institute of International and
Strategic Studies

Barbados

Mr. Oliver Jackman
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Inter-American Commission on Human Rights

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Mr. James Watt
Head, Human Rights Unit
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Mr. Daniel Livermore
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Human Rights and Social Affairs Division
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The Gambia

The Hon. Hassan Jallow (Chairman of the Working Group)
Attorney-General and Minister of Justice

New Zealand

Ms Dell Higgie
Head, Human Rights Unit
Ministry of External Relations and Trade

Pakistan

Justice Dorab Patel

Zimbabwe

Justice Simbarashe Muchechetere
High Court Judge (Bulawayo)

I. Background to Human Rights Promotion in the Commonwealth

1. Human rights issues have long been on the Commonwealth agenda. Commonwealth Heads of Government themselves have attached particular importance to the observance of human rights. They have affirmed that commitment in various Commonwealth Declarations notably those of Singapore (1971), Lusaka (1979) and Melbourne (1981).

2. The establishment of specific machinery to deal with human rights issues, however, is of more recent vintage. In 1977 The Gambia proposed the establishment of a Commonwealth Human Rights Commission as a feasible and effective step forward in the Commonwealth's efforts to defend human rights. The Gambian proposal resulted in the creation of the Commonwealth Working Party on Human Rights.

3. The Working Party's proposal to create a Human Rights Unit within the Commonwealth Secretariat was adopted, and it was established in 1985. Since that time, the Human Rights Unit has only had the resources to conduct a modest but impressive programme.

4. In 1989 at Kuala Lumpur, Heads of Government discussed the role of the Commonwealth in the area of human rights in light of the progress of the previous decade and the opportunities for enhanced co-operation in the future. At the conclusion of the meeting, Heads of Government adopted a Communique in which they emphasised the importance of enhanced co-operation in human rights. They also adopted a statement on Commonwealth Functional Co-operation which set out the need for a working group to identify programmes for enhanced co-operation and the means to achieve them. The relevant paragraph reads as follows:

> "Heads of Government, noting that Commonwealth states have many shared values and traditions which would lead to co-operation in the area of human rights, requested the Secretary-General to convene a governmental working group of experts on human rights. The working group would be charged with the responsibility of reviewing Commonwealth co-operation in the area of human rights to date and of recommending possible avenues for enhanced co-operation and action in the future, in such areas as education, training and technical assistance upon request of member states. These recommendations would be made to the Secretary-General and, where appropriate, to the next Commonwealth Heads of Government Meeting."

5. The Singapore, Lusaka and Melbourne Declarations, as well as the work of the Commonwealth in combating **apartheid**, are ample evidence of the consensus which exists among Commonwealth states in favour of the principles enshrined in many United Nations declarations, conventions and covenants.

6. The task now before the international community as we near the 21st century is to ensure that these principles are put into practice.

7. The Group considers that the strengths of the Commonwealth in the promotion of human rights lie in its shared tradition of common law; its shared acceptance of human values; its shared language; and its invaluable network of professional and personal contacts through which effective programmes of technical assistance can be carried out. The Group noted in this respect the ability of the Commonwealth to perform certain tasks more cost-effectively than the United Nations or other bodies. The Group noted that the Commonwealth already carried out some successful human rights activities on a modest scale. But it considered too that the Commonwealth was widely seen as insufficiently committed as an organisation to the promotion of respect for human rights.

8. The growth of populations, the depletion of resources, and the consequent effects on the environment, all carry implications for the enjoyment of economic, social, and cultural rights, and in turn exert pressure on the enjoyment of civil and political rights. These, taken with the prevalence of hunger in the world, and the persistence of discrimination on many grounds including race and sex, are questions which are likely to become acute in the coming decade.

9. The Group believes that the Commonwealth must remain committed to the observance of all human rights, and that these human rights and fundamental freedoms particularly as set out in the two International Covenants, on economic, social and cultural, and civil and political rights, are indivisible and inter-related.

II. Objectives

10. The Group worked in accordance with its mandate given at Kuala Lumpur, to review co-operation to date and draw up recommendations for future action in such areas as education, training and technical assistance. It also took account of the Singapore, Lusaka, and Melbourne Declarations. It established the following objectives for future work by the Commonwealth:

(a) to increase knowledge of international human rights standards and obligations among officials in Commonwealth countries, and among the populations at large;

(b) to encourage and sustain high professional standards in the judiciaries and law enforcement agencies of Commonwealth countries in dealing with human rights matters, and to reinforce the independence of these judicial systems;

(c) to promote the adherence of Commonwealth countries to the main international human rights instruments, and to assist their effective implementation;

(d) to facilitate the promotion of human rights by governments, and exchanges of information on human rights programmes and activities.

III. Operating Principles

11. The Group agreed that the following principles should apply to any Commonwealth measures for the promotion of respect for human rights:

(a) each programme should have realistic and achievable objectives;

(b) the efforts of the Commonwealth should be directed at the encouragement of full respect for human rights in accordance with international standards;

(c) the Commonwealth should build on its specific strengths. It should recognise the value of cooperation with other bodies such as the United Nations or regional organisations, and undertake activities only where it can make a distinct contribution and without duplicating existing efforts;

(d) Commonwealth programmes at the national level should be undertaken at the request of the governments concerned;

(e) Commonwealth human rights objectives, while managed in the Secretariat primarily by the Human Rights Unit, should be reflected more fully in all the work of the Secretariat;

(f) particular emphasis should be placed on public information activities including information about the work of the Commonwealth in promoting respect for human rights.

IV. Future Commonwealth Action

12. After having reviewed the activities undertaken throughout the Commonwealth and in particular by the Commonwealth Secretariat in the area of human rights, the Working Group concluded that there was additional scope for promotional activity by both governments and by the Secretariat.

(a) Education, Training and Technical Assistance

13. Many human rights advocates have observed that respect for human rights is largely a cultural phenomenon, embedded in the institutions and traditions of each society. Education, training and technical assistance can therefore play a key role in ensuring that respect for the rights of the individual becomes a central element in the development of future generations.

14. It is therefore proposed that the Commonwealth, with its recognised expertise and effectiveness in the area of providing technical assistance to member states, should undertake such assistance in the following areas:

(i) Training of selected Government officials at the highest levels in human rights, with the aim of providing a greater awareness of the content of international human rights standards and of their relevance to their national jurisdictions. Trainees would come from:

(a) the judiciary;
(b) the legal profession;
(c) police and military forces;
(d) other appropriate government ministries and institutions.

(ii) Human rights education at all levels albeit with an initial focus at the secondary level, possibly including the creation of model curricula.

(iii) Creation of a bank of human rights educational programmes: the Commonwealth Secretariat could provide a useful service by assembling information on human rights education programmes and making such information available to Commonwealth countries on request.

(iv) Development of educational material for human rights training, on the lines of the existing Manual on Human Rights Training for Public Officials.

(v) Development of specialised training programmes for legal draftsmen to assist in the translation of universal human rights standards into national legal instruments.

(vi) Technical assistance and advice to national and regional organisations, both governmental and non-governmental;

(vii) Joint activity with organisations active in the area of human rights education.

15. It is further proposed that the Secretariat should study the costs and modalities of publishing at regular intervals a journal on Commonwealth human rights case law.

16. It is also proposed that Commonwealth governments be invited to expand existing fellowship programmes to include specific post-graduate training in human rights law.

(b) Commissioned Studies

17. The Working Group recommends to the Secretariat that, in furtherance of its mandate, that the following studies be commissioned on its behalf:

(i) Human Rights Resource Directory - an initial review of the institutions, organisations, programmes, and facilities in the area of human rights in the Commonwealth.

(ii) Study on the feasibility of collecting and disseminating information on International and Commonwealth Human Rights Case Law.

(iii) Examination of human rights education in the Commonwealth and proposals for various human rights educational programmes to be undertaken by the Commonwealth Secretariat.

(iv) Study on the production or collection of human rights material and its subsequent dissemination - what should be produced and disseminated, and to whom?

18. The Group asked that those commissioned studies be circulated to all members for their observation and comments.

(c) Financing

19. Given the difficult fiscal situation of many member states and the consequent impact on the Secretariat, it goes without saying that the framing of new programmes and initiatives will be largely dependent upon the availability of programme resources. While human rights demands will necessarily have to be balanced against demands from other quarters at a time of scarcity, it should be emphasised that human rights is a relatively recent Commonwealth activity whose programme base should not be allowed to wither because of its comparative youth. Moreover, with goodwill, careful planning and clear programming, much can be

accomplished even with a slender resource base.

20. Joint initiatives with United Nations bodies and other intergovernmental and non-governmental organisations would help to further the human rights work of similar organisations and the Commonwealth at minimal incremental cost.

21. Furthermore, the Commonwealth need not be the delivery vehicle for all of the programmes and activities mentioned above. Indeed, a potentially valuable role for the Commonwealth is a "catalytic" role through stimulating action in other fora and by other organisations, while retaining an overview for the purposes of co-ordination and future assistance.

22. Nevertheless, there are a number of activities that must be initiated and conducted by the Secretariat. The Working Group therefore makes the following financial recommendations:

(i) Regular core funding and Secretariat operational budget for the Human Rights Unit and other Secretariat units undertaking human rights activity at a minimum must be kept at current levels and enhanced when possible.

(ii) A standing facility, initially in the range of £30,000 funded by voluntary contributions through the Commonwealth Fund for Technical Co-operation (CFTC), should be created and made available to the Human Rights Unit to be used at its discretion on an annual accountable basis.

(iii) A funding facility through the CFTC should be created to allow voluntary funds from governments and other agencies to be channelled to specific technical assistance projects or training programmes co-ordinated by the Human Rights Unit.

(iv) The Secretariat should be clearly mandated to approach the United Nations and other agencies to act as an implementing body for these organisations for human rights programmes within the Commonwealth.

V. Proposed Framework for a Commonwealth Secretariat Human Rights Programme

23. While it is recognised that the Commonwealth will need to build incrementally and gradually, especially in times of severe financial restraint, the Human Rights Unit should begin to develop a series of programmes with long-term goals and objectives, which can be implemented as resources are made available and as the momentum of co-operation takes hold. It is

recommended that the following programmes could incorporate the objectives for the Commonwealth visualised in Section II and the activities described in Section IV.

(a) A National Institutions Programme

This could include: advice in framing a national plan of action or strategy in the area of human rights; the provision of technical assistance to the judiciary and police and other law enforcement agencies; assistance to professional associations in gathering international expertise; assistance to information and public affairs initiatives; training of public officials; the provision of educational materials to appropriate national institutions.

(b) A Regional Institutions Programme

This programme to offer advice and support in training, technical assistance and educational areas, could be effected in co-operation with the United Nations, the Organisation of African Unity (OAU), the Organisation of American States (OAS), and other regional organisations such as the African Centre for Democracy and Human Rights Studies.

(c) An International Instruments Programme

This programme would not only encourage the ratification and implementation of key international instruments, but would also educate lawyers and the judiciary as to the existence, content, and implications of such instruments.

(d) A Professional Support Programme

The Commonwealth should promote the active development of national, regional and international associations of professionals as part of the process of building the infra-structure through which human rights can be promoted and protected.

(e) A Public Affairs and Information Programme

Given the importance of communications, an active public affairs programme is essential. The range of possible activities in this area will be partially identified by the commissioned study to which reference is made paragraph 17 (iv).

(f) A Partnership Programme

The Commonwealth should co-operate with such institutions as the United Nations, United Nations Educational, Scientific and Cultural Organisation (UNESCO), the International Labour Organisation (ILO), the OAU, the OAS and non-governmental organisations, in order to advise on issues of relevance to Commonwealth states and, over time, to assist in the delivery of programmes in Commonwealth states.

(g) A Commonwealth Human Rights Resource Directory

In addition to having on hand information as to the activities of other international organisations, the Commonwealth may wish to prepare and retain as an ongoing programme a computer-based inventory of experts, programmes, facilities, institutions and organisations in all Commonwealth states. A first stage of this programme will be achieved through the commissioned study as set out in paragraph 17 (i).

(h) A Human Rights and Development Programme

A key issue on which substantial work needs to be done is the relationship between human rights and development (both human, individual development and national development). The Commonwealth could play a unique role by bringing to bear on this issue all of its "roles" and programmes, from experts and organisations to its own assistance programmes. It could also play a leading role on this issue within the United Nations and other organisations where this theme is now discussed with increasing frequency. The Group noted that the Women and Development Programme of the Secretariat already plays an active and effective role in this area.

VI. Programme Advisory Committee

24. The Group believes that it is necessary to establish a programme advisory committee to further the recommendations of this Report. The Group therefore recommends the creation of a Programme Advisory Committee, consisting of between eight and ten members to be nominated by the current Working Group, and subsequently by the Programme Advisory Committee itself, and confirmed by the Secretary-General. They would be authorised to meet as appropriate. The Committee's mandate would be to review Commonwealth activities in the area of human rights and to advise the Secretariat on objectives, programmes, and activities which could be undertaken within the framework of the general budget or through the provision of voluntary funding.

VII. Conclusion

25. The Commonwealth has a unique role to play in promoting the more effective enjoyment of human rights within and among its member states and in the international community at large. A constructive, imaginative programme can be framed which capitalises upon the achievements of the Commonwealth and builds upon the political, legal and societal conditions which its members share.

26. Human Rights must remain a central tenet of Commonwealth co-operation in the 1990s and beyond.

VIII. Summary of Formal Recommendations

1. The Commonwealth must remain committed to the observance of all human rights, and that these human rights and fundamental freedoms particularly as set out in the two International Covenants, on economic, social and cultural, and civil and political rights, are indivisible and inter-related. Human rights must remain a central tenet of Commonwealth co-operation in the 1990s and beyond (see paragraphs 9, 26).

2. The objectives of human rights promotion in the Commonwealth must be to increase knowledge of international human rights standards and obligations; to encourage and sustain high professional standards of judiciaries and law enforcement agencies; to reinforce the independence of judicial agencies; to promote the adherence to and implementation of international human rights instruments; and to generally facilitate the promotion of human rights (see paragraph 10).

3. Commonwealth measures should pursue realistic and achievable objectives to encourage full respect for human rights in accordance with international standards and build upon the specific strengths of the Commonwealth (see paragraph 11).

4. Education, training and technical assistance can play key roles in the promotion of human rights, and there are numerous ways in which future Commonwealth action in this area can be furthered (see paragraphs 14, 15, 16). The Group has outlined a number of financial recommendations that should be put into effect to achieve those measures (see paragraph 19, 20, 21, 22). A series of commissioned studies should be immediately undertaken to further the ability of the Group and the Secretariat to address some of those promotional measures (see paragraphs 17).

5. **The Human Rights Unit should begin to develop a series of programmes with long-term goals and objectives, in particular, a national institutions programme; a regional institutions programme; an international instruments programme; a professional support programme; a public affairs and information programme; a Commonwealth human rights resources directory; and a human rights and development programme (see paragraph 23).**

6. **It is essential to establish a programme advisory committee to further the work of the Commonwealth Secretariat on a long term basis (see paragraph 24).**

The Hon. Hassan Jallow
Chairman

Mr. A.K.H. Morshed

Mr. Oliver Jackman

Mr. James Watt

Mr. Daniel Livermore

Ms Dell Higgie

Justice Dorab Patel

Justice Simbarashe Muchechetere

ANNEX I

HGM(89)21

COMMONWEALTH HEADS OF GOVERNMENT MEETING
KUALA LUMPUR 1989

STRENGTHENING COMMONWEALTH CO-OPERATION IN THE AREA OF HUMAN RIGHTS

Memorandum by the Government of Canada

This paper seeks to present to Commonwealth Heads of Government a proposal to establish a governmental experts working group to examine ways of strengthening Commonwealth co-operation in the area of human rights.

2. The promotion of respect for human rights is increasingly viewed as an important subject for discussions between and among states. The Commonwealth may offer a unique forum in this regard due to its shared values and traditions. In the 1971 Singapore Declaration, Commonwealth leaders asserted their belief "in the liberty of the individual, in equal rights for all citizens, regardless of race, colour, creed or political belief". At the 1987 Vancouver Meeting, leaders reiterated their commitment to the observance of human rights and agreed to work for universal ratification of major United Nations human rights instruments.

3. In 1981, a Commonwealth working group made recommendations which resulted in the creation of the Human Rights Unit within the Commonwealth Secretariat.

4. The Commonwealth, with its many legal and other traditions, has a potentially important institution-building role to play in the human rights area. Many Commonwealth countries have legislation, institutions or experiences from which other countries facing similar situations or challenges could benefit.

5. Canada believes this is an appropriate time to build on past achievements in this field. Canada is planning to propose at the Commonwealth Meeting in Kuala Lumpur the formation of a governmental working group of experts on human rights, for the purposes of reviewing Commonwealth co-operation in the area of human rights to date and of recommending possible avenues for enhanced co-operation and action in the future, in such areas as education, training and technical assistance. The group, consisting of 8 to 12 members with relevant professional support, would be temporary and would meet two to three times over the course of the next one or two years, with a view to preparing recommendations to the Secretary-General.

6. Canada views the proposed initiative to be consistent with past Commonwealth action in the area of human rights and with previous practice in the Commonwealth regarding the establishment

of working groups on various subjects. Its financial implications are modest.

7. The group would be charged with the tasks of reviewing proposals from member states in such areas as education, training and technical assistance and framing recommendations to the Secretary-General and, where appropriate, to the next Commonwealth Heads of Government Meeting.

8. The Kuala Lumpur Meeting provides an opportunity to authorise the establishment of the above-mentioned working group of experts. Canada will be seeking to include appropriate phraseology in the Commonwealth Communique and in the text on Commonwealth functional co-operation in order to enable the Secretary-General to convene such an experts group in 1990.

Commonwealth Secretariat
Marlborough House
London SW1

September 1989

ANNEX II

EXTRACT FROM THE KUALA LUMPUR COMMUNIQUE, OCTOBER 1989

Commonwealth Co-operation in Human Rights

20. Heads of Government, noting that Commonwealth states have many shared values and traditions which would lead to co-operation in the area of human rights, requested the Secretary-General to convene a governmental working group of experts on human rights. The working group would be charged with the responsibility of reviewing Commonwealth co-operation in the area of human rights to date and of recommending possible avenues for enhanced co-operation and action in the future, in such areas as education, training and technical assistance upon request of member states. These recommendations would be made to the Secretary-General and, where appropriate, to the next Commonwealth Heads of Government Meeting.